

To: Zichal, Heather R. **Ex. 6 - Personal Privacy**
From: Acting Administrator
Sent: Sat 3/23/2013 12:35:42 PM
Subject: Few Items

Hi Heather:

Hate to try to catch 15 minutes during weekend but some items to discuss and catch you up on:

-- Keystone EIS process

Not Responsive

-- general process thoughts.

my guess this could wait to Monday, but if you have a moment it would be nice to get a calm 15 minutes on these subjects.

thanks

Bob Perciasepe

Acting Administrator

202 564 4711 (o)

202 368 8193 (c)

To: Zichal, Heather R. **Ex. 6 - Personal Privacy**
From: Acting Administrator
Sent: Sun 3/24/2013 3:21:58 PM
Subject: Re: Few Items

OK.

Around 6:30
Will that work?

Bob

Acting Administrator.
202 564 4711

From: Zichal, Heather R.
Sent: Sunday, March 24, 2013 10:47:52 AM
To: Acting Administrator
Subject: Re: Few Items

How about this evening -- anytime after 5pm.

From: Acting Administrator [mailto:62Perciasepe.Bob73@epa.gov]
Sent: Saturday, March 23, 2013 08:35 AM
To: Zichal, Heather R.
Subject: Few Items

1/2

Hi Heather:

Hate to try to catch 15 minutes during weekend but some items to discuss and catch you up on:

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Bob Perciasepe

Acting Administrator

202 564 4711 (o)

202 368 8193 (c)

To: Acting Administrator[62Perciasepe.Bob73@epa.gov]
From: Zichal, Heather R.
Sent: Sun 3/24/2013 2:47:52 PM
Subject: Re: Few Items

How about this evening -- anytime after 5pm.

From: Acting Administrator [mailto:62Perciasepe.Bob73@epa.gov]
Sent: Saturday, March 23, 2013 08:35 AM
To: Zichal, Heather R.
Subject: Few Items

Hi Heather:

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Bob Perciasepe

Acting Administrator

202 564 4711 (o)

202 368 8193 (c)

To: Zichal, Heather R. [Ex. 6 - Personal Privacy]
From: Acting Administrator
Sent: Mon 3/25/2013 1:59:43 PM
Subject: RE: Few Items

One additional item

3 weeks from today (April 15th) the “transitional sources” opportunity to commence construction ends.

Bob

Acting Administrator

(o) 202-564-4711

(c) 202-368-8193

From: Zichal, Heather R. [Ex. 6 - Personal Privacy]
Sent: Monday, March 25, 2013 9:58 AM
To: Acting Administrator
Subject: Re: Few Items

Not to worry!

From: Acting Administrator [<mailto:62Perciasepe.Bob73@epa.gov>]
Sent: Monday, March 25, 2013 07:47 AM
To: Acting Administrator <62Perciasepe.Bob73@epa.gov>; Zichal, Heather R.
Subject: RE: Few Items

Hey:

Sorry I didn't call.

Will find time today

Bob

Acting Administrator

(o) 202-564-4711

(c) 202-368-8193

From: Acting Administrator
Sent: Saturday, March 23, 2013 8:36 AM
To: Zichal, Heather R.
Subject: Few Items

Hi Heather:

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Acting Administrator

202 564 4711 (o)

202 368 8193 (c)

To: Acting Administrator[62Perciasepe.Bob73@epa.gov]
From: Zichal, Heather R.
Sent: Mon 3/25/2013 2:08:58 PM
Subject: Re: Few Items

Yep. That's on my list for you too.

From: Acting Administrator [mailto:62Perciasepe.Bob73@epa.gov]
Sent: Monday, March 25, 2013 09:59 AM
To: Zichal, Heather R.
Subject: RE: Few Items

One additional item

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Acting Administrator

202 564 4711 (o)

202 368 8193 (c)

To: Acting Administrator[62Perciasepe.Bob73@epa.gov]
From: Zichal, Heather R.
Sent: Mon 3/25/2013 1:57:36 PM
Subject: Re: Few Items

Not to worry!

From: Acting Administrator [mailto:62Perciasepe.Bob73@epa.gov]
Sent: Monday, March 25, 2013 07:47 AM
To: Acting Administrator <62Perciasepe.Bob73@epa.gov>; Zichal, Heather R.
Subject: RE: Few Items

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(c) 202-368-8193

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Bob Perciasepe

Acting Administrator

202 564 4711 (o)

202 368 8193 (c)

To: Acting Administrator[62Perciasepe.Bob73@epa.gov]; Zichal, Heather R.
R. [Ex. 6 - Personal Privacy]
From: Acting Administrator
Sent: Mon 3/25/2013 11:47:02 AM
Subject: RE: Few Items

Hey:

Sorry I didn't call.

Will find time today

Bob

Acting Administrator

(o) 202-564-4711

(c) 202-368-8193

From: Acting Administrator
Sent: Saturday, March 23, 2013 8:36 AM
To: Zichal, Heather R.
Subject: Few Items

Hi Heather:

Hate to try to catch 15 minutes during weekend but some items to discuss and catch you up on:

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Acting Administrator

202 564 4711 (o)

202 368 8193 (c)

To: Zichal, Heather R.
From: Acting Administrator
Sent: Sun 4/21/2013 4:20:47 PM
Subject: One More Thing

Ex. 6 - Personal Privacy

We submit comments tomorrow on Keystone.

Ex. 5 - Deliberative

Bob

Acting Administrator.
202 564 4711

To: Zichal, Heather R.
From: Acting Administrator
Sent: Mon 4/22/2013 12:51:37 PM
Subject: Fw: One More Thing

Ex. 6 - Personal Privacy

This morning?

Bob

Acting Administrator.
202 564 4711

From: Acting Administrator
Sent: Sunday, April 21, 2013 12:20:47 PM
To: Zichal, Heather R.
Subject: One More Thing

We submit comments tomorrow on Keystone.

Ex. 5 - Deliberative

Bob

Acting Administrator.
202 564 4711

To: Acting Administrator[62Perciasepe.Bob73@epa.gov]
From: Zichal, Heather R.
Sent: Mon 4/22/2013 1:30:03 PM
Subject: Re: One More Thing

Yep. 9:45?

----- Original Message -----

From: Acting Administrator [mailto:62Perciasepe.Bob73@epa.gov]
Sent: Monday, April 22, 2013 08:51 AM
To: Zichal, Heather R.
Subject: Fw: One More Thing

This morning?

Bob

Acting Administrator.
202 564 4711

From: Acting Administrator
Sent: Sunday, April 21, 2013 12:20:47 PM
To: Zichal, Heather R.
Subject: One More Thing

We submit comments tomorrow on Keystone.

Ex. 5 - Deliberative

Bob

Acting Administrator.
202 564 4711

To: McCarthy, Gina[McCarthy.Gina@epa.gov]; Carter-Jenkins, Shakeba[Carter-Jenkins.Shakeba@epa.gov]; scheduling[scheduling@epa.gov]; Bednar, Georgia[bednar.georgia@epa.gov]; Craig, Beth[Craig.Beth@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Shelby, Michael[Shelby.Michael@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Levy, Aaron[Levy.Aaron@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Bromm, Susan[Bromm.Susan@epa.gov]; Rader, Cliff[Rader.Cliff@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Gogal, Danny[Gogal.Danny@epa.gov]; Ruhl, Suzi[Ruhl.Suzi@epa.gov]; Chester, Steven[Chester.Steven@epa.gov]; DePass, Michelle[DePass.Michelle@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; ealons.dru@epamail.epa.gov[ealons.dru@epamail.epa.gov]; Reaves, Doretta[Reaves.Doretta@epa.gov]; Ex. 6 - Personal Privacy

From: Swift, Anthony

Sent: Tue 3/11/2014 5:25:51 PM

Subject: Mounting evidence that Keystone XL is not in the nation's interest

Greetings,

I wanted to share with you a series of reports and analyses released over the last week which provide additional evidence that the proposed Keystone XL tar sands pipeline would significantly exacerbate the problem of climate change and is not in the national interest.

The Supplemental Final Environmental Impact Statement (FSEIS) showed that the additional greenhouse gas emissions from Keystone XL could total as many as 1.4 billion metric tons over the 50 year lifetime of the project. This is equivalent to annual emissions from 5.7 million passenger vehicles for 50 years and would generate \$128 billion in climate costs according to the administrations social cost of carbon estimates.

This week NRDC released an in-depth analysis and summary showing why half a dozen of its key assumptions, taken together, paint a very conservative picture of Keystone XL's climate impacts. One of the key issues raised by NRDC in its analysis is how the environmental assessment only considered scenarios that assumed a global failure to address climate concerns.

NRDC has also released a report detailing the EPA climate and other concerns that the State Department assessment has failed to address. The report's findings are summarized here. EPA's review of the environmental assessment will weigh heavily in the consideration of the pipeline's impact on carbon pollution. This has been the chief concern of the EPA, which in 2010, 2011, and again in 2013, submitted comments critical of the assessment.

These assessments follow several major reports released last week highlighting Keystone XL's role as the linchpin for tar sands expansion and its associated carbon emissions. These include a significant report by Carbon Tracker, a UK –based organization which concluded that the FSEIS underestimated the climate emissions. It was penned by former Deutsche Bank climate analyst Mark Fulton. Carbon Tracker calculated that tar sands oil carried by the pipeline would result in 5.3 billion metric tons of CO₂-equivalent over 35 years, or equal to all the CO₂ emitted by the United States in one year.

The Pembina Institute, a Canadian think tank, also released an assessment of Keystone XL's impact on tar sands expansion, concluding that the approval of the pipeline would enable a greater number of tar sands expansion to move forward.

Meanwhile, a Reuter's investigation found that actual tar sands shipments to the Gulf by rail have fallen far short of predicted levels, further undermining the argument that rail would facilitate the same level of tar sands expansion as Keystone XL.

We are now in the "National Interest Determination" period set out by Executive Order 13337, a period in which Secretary of State John Kerry will collect input from the public and from federal government officials, including a minimum of eight agencies, about whether the pipeline is in the national interest. On Friday, March 7th, over 2 million comments were submitted by the public in opposition to the pipeline, an unprecedented number.

Please let me know if you have any questions,

Anthony Swift | Staff Attorney, International Program

Natural Resources Defense Council| www.NRDC.org

1152 15th St. NW, Suite 300 | Washington, DC 20005

phone: 202.513.6276 | cell: 215.478.4967 |

Blog: <http://switchboard.nrdc.org/blogs/aswift/>

To: McCarthy, Gina[McCarthy.Gina@epa.gov]; Carter-Jenkins, Shakeba[Carter-Jenkins.Shakeba@epa.gov]; scheduling[scheduling@epa.gov]; Bednar, Georgia[bednar.georgia@epa.gov]; Craig, Beth[Craig.Beth@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Shelby, Michael[Shelby.Michael@epa.gov]; Dunham, Sarah[Dunham.Sarah@epa.gov]; Levy, Aaron[Levy.Aaron@epa.gov]; Ganesan, Arvin[Ganesan.Arvin@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Bromm, Susan[Bromm.Susan@epa.gov]; Rader, Cliff[Rader.Cliff@epa.gov]; Garcia, Lisa[Garcia.Lisa@epa.gov]; Gogal, Danny[Gogal.Danny@epa.gov]; Ruhl, Suzi[Ruhl.Suzi@epa.gov]; Chester, Steven[Chester.Steven@epa.gov]; Group Oiainternet-Comments[Oiainternet-Comments@epa.gov]; Barron, Alex[Barron.Alex@epa.gov]; Fraser, Scott[Fraser.Scott@epa.gov]; Reaves, Doretta[Reaves.Doretta@epa.gov]; Ex. 6 - Personal Privacy

From: Swift, Anthony

Sent: Fri 3/28/2014 1:11:25 PM

Subject: Keystone XL National Interest Determination backgrounder and update

Greetings,

NRDC released a backgrounder yesterday briefly outlining some of the reasons why the proposed Keystone XL tar sands pipeline is not in the national interest. Keystone XL would significantly add to the carbon pollution that's driving climate change, undermine the nation's climate leadership and imperil the health and drinking water of millions of Americans. The proposed tar sands pipeline is a long term piece of high carbon infrastructure that simply doesn't fit in a world which is committed to stabilize climate change at 2 degrees Celsius. Secretary Kerry can't find Keystone XL in the national interest until a route through Nebraska has been determined and evaluated and the impact of that route on communities and resources can be evaluated. But he has already has all the information he needs to reject Keystone XL on climate and other grounds. By rejecting Keystone XL, Secretary Kerry has an opportunity to build on his exemplary record on climate and signal to the world that the United States is serious about tackling climate change.

To read more, please go to my blog: Secretary Kerry has all the necessary information to reject the Keystone XL tar sands pipeline at:
http://switchboard.nrdc.org/blogs/aswift/secretary_kerry_has_all_the_in.html.

I also wanted to make sure you were aware of recent decision by Shell to cancel its plans to move forward with its proposed 200,000 bpd Jackpine mine, a development that highlights the vulnerability of tar sands expansion projects due to a lack of cheap transport capacity. This risk was also observed by the Conference Board of Canada, which released a new forecast concluding that tar sands expansion requires pipeline development, saying:

"A risk to the forecast is the delay in pipeline development. Oil pipeline capacity remains a challenge for Alberta

and without the construction of new pipelines, future investment in the oil and gas sector could be curtailed."

Finally, I wanted to highlight a decision by the Alberta Energy Regulator (AER) to deny a permit by Canadian Natural Resources to resume operations on its Primrose tar sands project after four uncontrolled leaks spilled hundreds of thousands of gallons of tar sands bitumen over several months. This blowout has raised significant questions regarding Alberta's regulatory oversight.

Best,

Anthony Swift | Attorney, International Program

Natural Resources Defense Council | www.NRDC.org

1152 15th St. NW, Suite 300 | Washington, DC 20005

phone: 202.513.6276 | cell: 215.478.4967 |

Blog: <http://switchboard.nrdc.org/blogs/aswift/>

To: Brenda Mallory **Ex. 6 - Personal Privacy**
From: Giles-AA, Cynthia
Sent: Mon 2/2/2015 9:22:55 PM
Subject: NEPA comment letter
[EPA comments KXL FSEIS 2-2-15.pdf](#)

Brenda - Attached is a copy of the NEPA comment letter that we sent to State Dept. this afternoon and will be posted to our website tomorrow am. Please call if any questions.

Thanks - Cynthia



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 - 2015

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Amos Hochstein
Special Envoy and Coordinator for International Energy Affairs
Bureau of Energy Resources
U.S. Department of State
Washington, DC 20520

Ms. Judith G. Garber
Acting Assistant Secretary
Oceans and International Environmental and Scientific Affairs
U.S. Department of State
Washington, DC 20520

Dear Mr. Hochstein and Ms. Garber:

In accordance with our authorities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, EPA has reviewed the Department of State's (Department) Final Supplemental Environmental Impact Statement (SEIS) for a Presidential Permit application by TransCanada Keystone Pipeline, LP (Keystone) to construct and operate the Keystone XL Project (Project). We are providing these comments now, rather than when the Final SEIS was published, because of the possibility that a decision of the Nebraska courts would have led to changes to the Final SEIS.

EPA recognizes that the Department has made a considerable effort to evaluate the potential environmental impacts associated with the proposed Project and reasonable alternatives, and to consider measures to mitigate potential harmful effects. The Final SEIS is comprehensive and provides responses to our April 2013 comments on the Draft SEIS. We would like to especially point out the usefulness of the new compilation of all of the proposed mitigation measures (Appendix Z).

The Department has also strengthened the analysis of oil spill prevention preparedness, response and mitigation and has committed to requiring numerous mitigation measures regarding leak prevention and detection, as well as spill cleanup measures. While risks of oil spills and adverse impacts remain, and spills of diluted bitumen can have different impacts than spills of conventional oil, the Department has included provisions to reduce those risks, including working with the state of Nebraska to develop an alternative route that avoids much of the Sand Hills region, and incorporating mitigation measures recommended by both the Pipeline Safety and Hazardous Materials Administration and the independent engineering analysis. We note as particularly important the commitment by Keystone to be responsible for clean-up and

restoration of groundwater as well as surface water in the event of a release or discharge of crude oil. These efforts will decrease the risk of spills and leaks, and provide for necessary remediation should spills occur. Nonetheless, the Final SEIS acknowledged that the proposed pipeline does present a risk of spills, which remains a concern for citizens and businesses relying on groundwater resources crossed by the route.

The analysis of climate change issues has also improved from the Draft SEIS. The Final SEIS makes clear that oil sands crude has significantly higher lifecycle greenhouse gas emissions than other crudes. The Final SEIS states that lifecycle greenhouse gas emissions from development and use of oil sands crude is about 17% greater than emissions from average crude oil refined in the United States on a wells-to-wheels basis.¹

The Final SEIS also finds that the incremental greenhouse gas emissions from the extraction, transport, refining and use of the 830,000 barrels per day of oils sands crude that could be transported by the proposed Project at full capacity would result in an additional 1.3 to 27.4 million metric tons of carbon dioxide equivalents (MMTCO₂-e) per year compared to the reference crudes.² To put that in perspective, 27.4 MMTCO₂-e per year is equivalent to the annual greenhouse gas emissions from 5.7 million passenger vehicles or 7.8 coal fired power plants.³ Over the 50-year lifetime of the pipeline, this could translate into releasing as much as 1.37 billion more tons of greenhouse gases into the atmosphere.⁴

Until ongoing efforts to reduce greenhouse gas emissions associated with the production of oil sands are more successful and widespread, the Final SEIS makes clear that, compared to reference crudes, development of oil sands crude represents a significant increase in greenhouse gas emissions.

The Final SEIS also provided a more robust market analysis, and examined how market dynamics may influence the levels of greenhouse gas emissions associated with the proposed Project. Based on that market analysis, the Final SEIS concluded, in January of 2014, that if the Project were not approved, oil sands crude would be likely to reach the market some other way, most likely by rail. The Final SEIS acknowledged that the alternative of shipment by rail is more expensive than shipment by pipeline, and would therefore increase the costs of getting oil sands crude to market.⁵ However, the Final SEIS concluded that given global oil prices projected at that time this difference in shipment costs would not affect development of oil sands, which would remain profitable even with the higher transportation costs of shipment by rail. Therefore, the Final SEIS concluded that although development of oil sands would lead to significant additional releases of greenhouse gasses, a decision not to grant the requested permit would likely not change that outcome, i.e., those significant greenhouse gas emissions would likely happen regardless of the decision on the proposed Project. This conclusion was based in large part on projections of the global price of oil.

¹ Final SEIS Executive Summary, p. ES-15.

² Final SEIS Executive Summary, p. ES-15.

³ Final SEIS p. 4.14-46.

⁴ Final SEIS p. 4.14-41.

⁵ Final SEIS p. 1.4-90.

Given the recent variability in oil prices, it is important to revisit these conclusions. While the overall effect of the Project on oil sands production will be driven by long-term movements in the price of oil and not short term volatility, recent large declines in oil prices (oil was trading at below \$50 per barrel last week) highlight the variability of oil prices. The Final SEIS concluded that at sustained oil prices of \$65 to \$75 per barrel, the higher transportation costs of shipment by rail “could have a substantial impact on oil sands production levels – possibly in excess of the capacity of the proposed project.”⁶ In other words, the Final SEIS found that at sustained oil prices within this range, construction of the pipeline is projected to change the economics of oil sands development and result in increased oil sands production, and the accompanying greenhouse gas emissions, over what would otherwise occur. Given recent large declines in oil prices and the uncertainty of oil price projections, the additional low price scenario included in the Final SEIS should be given additional weight during decision making, due to the potential implications of lower oil prices on project impacts, especially greenhouse gas emissions.

Finally, we note that the Final SEIS includes additional information on how the Department screened pipeline route alternatives, and determined what routes to analyze in detail in the SEIS. Through this process, the Department determined that the Keystone Corridor alternatives, which would parallel the entire existing Keystone pipeline route in the United States, are not reasonable alternatives for the purposes of NEPA. The additional information provided in the Final SEIS is useful, but we note that eliminating alternatives from a detailed analysis based on an abbreviated estimate of environmental impacts is not the preferred approach under NEPA’s requirement to take a “hard look” at alternatives, which would provide a more detailed and comprehensive discussion of the issues associated with these route alternatives.

Please feel free to contact me or have your staff contact Susan Bromm, Director, Office of Federal Activities, at (202) 564-5400 if you have any questions or would like to discuss our comments.

Sincerely,



Cynthia Giles

⁶ Final SEIS Executive Summary, p. ES-12.